

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE: ) CASE NO.04-04058-wb  
)  
)  
)  
William Ernest Thiess )  
)  
\_\_\_\_\_  
Debtors )

TO: ALL CREDITORS AND PARTIES IN INTEREST

**NOTICE OF SALE OF PROPERTY FREE AND CLEAR OF LIENS**

YOU ARE HEREBY NOTIFIED that **the debtor(s)**, propose to sell the property herein described free and clear of all liens and encumbrances according to the terms of and conditions stated below.

TYPE OF SALE: Private.

PROPERTY TO BE SOLD: House and lot located at 207 Little Oak Dr. TMS # 328-00-00-278.

PRICE: \$225,000.00.

APPRAISAL VALUE: \$154,000.00.

BUYER: Eddie Ellis no relation to the debtor.

PLACE AND TIME OF SALE: At the office of an attorney of the buyer choice within a reasonable time following the entry of an order approving this motion.

SALES AGENT/AUCTIONEER/BROKER: Mary M. Buty for Coldwell Banker and D. Thomas with Exit Reality.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: 6% of the sales price.

ESTIMATED TRUSTEE'S COMMISSION ON SALE: To Be Determined.

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: BB&T in the approximate \$13,548.00, Countrywide in the approximate amount 93,000.00, Bank of America in the approximate amount of \$5,295.54, Little Oak Island Villas in the approximate amount of \$53,748.00.

DEBTOR'S EXEMPTION: \$5,000.00.

PROCEEDS ESTIMATED TO BE PAID TO ESTATE:

Any party objecting to the **debtor(s)** sale must do so in writing and in accordance with SC LBR 9014-1. All objections should be filed with the Clerk of Court at 1100 Laurel Street, Post Office Box 1448, Columbia, SC 29202, with a copy served on the Debtor(s)' attorney, at the address shown below, and on the Chapter 13 Trustee at PO Box 997, Mt. Pleasant, SC 29465. A copy of the objection should also be served on the United States Trustee at 1835 Assembly St. Suite 953, Columbia, SC 29201. All objections must be filed within Twenty (20) days from the date of this notice shown below. If no objection is filed and served, the sale will proceed in accordance with the terms recited herein.

TAKE FURTHER NOTICE that no hearing will be held on this motion or application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on November 9, 2004, at 1:30 pm., at 145 King St., Room 225, Charleston, SC 29401. No further notice of this hearing will be given.

The Court may consider additional offers at any hearing held on an objection to the sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee or debtor in possession, as applicable, may seek sanctions or other similar relief against any party filing a spurious objection to this notice.

Charleston, SC

October 1, 2004

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

District Court ID No. 438

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE: ) CASE NO.04-04058-wb  
)  
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William Ernest Thiess )  
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Debtors )

**MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS AND MEMORANDUM**

The undersigned, as attorneys for the debtor moves to sell property free and clear of liens. The debtor moves to sell House and lot located at 207 Little Oak Dr., TMS # 328-00-00-278. pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004. The debtor believes that the buyer is a good faith purchaser and also moves to waive Fed. Bankr. P. 6004(g) to allow the debtor to immediately enforce and implement the order originating from this motion. The debtor further believes that this sale is in the best interest of the estate.

Wherefore, debtors(s) pray that the Court will grant this motion and allow the debtor to sell free and clear of liens.

RESPECTFULLY SUBMITTED,

Charleston, SC

October 1, 2004

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

District Court ID No. 438

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE: ) CASE NO.04-04058-wb  
)  
) CERTIFICATE OF SERVICE  
William Ernest Thiess ) BY MAIL  
)  
)  
\_\_\_\_\_  
Debtors )

I hereby certify that a copy of the within motion to sell property free and clear of liens, notice of sale property free and clear of liens, proposed order and certificate of service, was duly served upon the parties below named, by depositing said papers in the United States Mail at Charleston, South Carolina, on this date, with first class postage duly affixed and a return address clearly indicated on said envelope to the address below indicated.

See Attached List

IRS  
MDP 39 1835 Assembly St. Rm. 653  
Columbia, SC 29201

US Department of Justice  
PO Box 141989  
Washington, DC 20044

US Attorney for SC for the IRS  
1441 Main St. Suite 500  
Columbia, SC 29201

US Trustee  
1835 Assembly St. Suite 953  
Columbia, SC 29201

James M. Wyman  
PO Box 997  
Mt. Pleasant, SC 29465

Charleston, SC

October 1, 2004

/s/ D. Nathan Davis

D. Nathan Davis  
Attorney for Debtor  
1124 Sam Rittenberg Blvd. Suite 8  
Charleston SC 29407  
(843) 571-4042  
District Court ID No. 438

BANK OF AMERICA  
PO BOX 5270  
CAROL STREAM IL 60197

BANK ONE  
PO BOX 15153  
WILMINGTON DE 19886-5163

BB and T  
Po Box 1847  
Wilson NC 27894-1847

BB&T  
PO Box 580002  
Charlotte, NC 28258

Bank One Delaware, NA f.k.a. First USA  
c/o Weinstein, Treiger & Riley, P.S.  
2101 4th Ave., Suite 900  
Seattle, WA 98121

Bank of America  
PO Box 25118  
Tampa FL 33622

Bank of America  
PO Box 26012  
NC4-105-03-14  
Greensboro NC 27420

Bank of America  
Po Box 2278  
Norfolk VA 23501-2278

Bank of America  
Po Box 26012  
Greensboro NC 27420

CAPITAL ONE  
PO BOX 85147  
RICHMOND VA 23276  
ATT: Officer, Manager/General Agent

CAPITAL ONE

PO BOX 85167  
RICHMOND, VA 23285  
CHARLESTON AREA FCU  
1845 SAM RITTENBERG BLVD  
CHARLESTON SC 29407  
Att Officer General/Managing Agent

CITIBANK MASTERCARD  
PO BOX 6062  
SIOUX FALLS SD 57117

Charleston Area FCU  
1845 Sam Rittenberg Blvd  
Charleston SC 29407

Countrywide home Loans  
PO Box 10207  
Van Nuys CA 91410

DISCOVER  
PO BOX 15251  
WILMINGTON DE 19886-5251  
Att Officer General/Managing Agent

Discover Financial Services  
Po Box 8003  
Hilliard OH 43026

FIRST USA  
PO BOX 15153  
WILMINGTON DE 19886

MMCA  
PO Box 894236  
Los Angeles, CA 90189-4236

Mitsubishi Motors Credit Of America  
PO Box 7247-0455  
Philadelphia, PA 19170

SC DEPARTMENT OF REVENUE  
PO BOX 125  
COLUMBIA SC 29214

Sherman Acquisition LP dba Resurgent  
Acquisition  
P.O. Box 10587  
Greenville, SC 29603-0587